

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER:

LAURA MARGARITA SERRANO SANTANA

Debtor(s)

FIRSTBANK PUERTO RICO
Movant

CASE NO.: 23-00797 (MCF)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **FIRSTBANK PUERTO RICO**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, Title 11 USC §1326, on Payments, 11 USC 361 on Adequate Protection, 11 USC 1325 (a) (5) (A) on Acceptance and 11 USC 1325 (6) on Feasibility.

2. Debtor filed a bankruptcy case under chapter 13 back on March 20, 2023. *Dck no 1*

3. MOVANT, standing to address this court is ascertained as filed a claim to an auto for \$16,393.66. *Cfm 2.*

4. Under amended plan dated September 25, 2023, debtor proposes to continue with the payments under the contract and cure the pre- and post- petition arrears. Yet, while enjoying the possession and the used of the auto, as of February 2, 2024, debtor(s) already have the following installments owed to FirstBank Puerto Rico in the direct payments under the amended plan: seven (7) pre- petitions for \$3,233.20, and two (2) post-petitions months in arrears. Thus, debtor initial and amended plan does not provide adequate protection to FirstBank Puerto Rico due to her serious feasibility problem and in said line, Movant does not accept the proposed plan and moves dismissal. *See Attachment A.*

5. Under the terms of the proposed April 3, 2023, debtor(s) should have started to make continues payments since April 20, 2023, and as evidenced herein, the debtor(s) have failed to do so. *Dck 14.*

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) *See Attachment B.*

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on *Unreasonable delay by debtor that is prejudicial to Creditors*, (5) *denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan*, 11 USC §1326 (a) (1) *Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier*, and (6) ~~on Material default by the debtor with respect to a term of a confirmed plan~~, and Title 11 USC §1324 (b) ~~on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a)~~.

The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse.

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve, and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on February 5, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. OSMARIE NAVARRO MARTINEZ // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) ROBERTO FIGUEROA CARRASQUILLO, and to debtor(s) by regular mail at the address on record, LAURA MARGARITA SERRANO SANTANA, at VILLA CARIBE 220 VIA CAMPINA ST., CAGUAS, PUERTO RICO 00727.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor – Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
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maria.benabe@firstbankpr.com
(787)729-8135 / (787)729-8276 / [Rev.2/2024]

IN THE UNITED STATES BANKRUPTCY COURT

IN RE: LAURA M SERRANO-SANTANA

DEBTOR (S)

FIRSTBANK PUERTO RICO

MOVANT

VS.

RESPONDENT (S)

Case No. 23-00797

Chapter: 13

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☒ of acts against property
under 11 USC 362 (D) (2)

☐ of acts against property
under 11 USC 365 (D) (2)

☐ of other acts under
11 USC (D) (1) 1307

☐ of co-debtor stay under
11 USC 1201 (c) (2) or
1301 (c) (2)

Creditor: Movant

Account Number: **-*-*7415

**STATEMENT OF AMOUNT DUE INCLUDING A BREAKDOWN
IN THE FOLLOWING CATEGORIES**

As of Date:

Per Diem Interest:

1. Principal Balance Due:	\$15,164.35
2. Interest Due: From:	\$ 2.67
3. Late Charges Due:	\$ 445.39
4. Advance for: Taxes	
Others charges	\$ -
5. Attorneys cost & fees	\$ -
6. Any other charge (Motion)	\$ -
7. Total	<u>\$15,612.41</u>

I, Rafael Kortright, Vice President of FirstBank Puerto Rico, declares under penalty of perjury the laws of the United States that the foregoing is true and correct.

In San Juan, Puerto Rico this February 2, 2024.

Attachment A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

LAURA M SERRANO-SANTANA

DEBTOR (S)

FIRSTBANK PUERTO RICO
MOVANT

VS.

RESPONDENT (S)

Case No. 23-00797

Chapter: 13

**STATEMENT OF INSTALLMENTS DUE
COST AND ATTORNEY'S FEES OWD ON PERSONAL LOANS
CONDITIONAL SALES CONTRACT NUMBER:**

_-*****7415

As of FEBRUARY 2, 2024

A. PRE-PETITION

7 Monthly installments of \$ 452.00 Due \$ 3,164.00

7 Monthly installments of \$ 22.60 Due \$ 158.20

Total pre-petition installments and
late charges due \$ 3,322.20

B. POST-PETITION

2 Monthly installments of \$ 452.00 Due \$ 904.00

2 Monthly installments of \$ 22.60 Due \$ 45.20

Total post-petition installments and
late charges due \$ 949.20

C. ATTORNEYS FEES

**TOTAL INSTALLMENTS DUE, COST AND
ATTORNEYS FEES OWED**

Page: 1 Document Name: untitled

415I	02/05/24	ACCOUNT INQUIRY	13:39:20
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CUR

CTL2 001	CTL3 000	CTL4 0000	ACCT	7007	EFF DATE	38671307
CTL2 000	CTL3 000	CTL4 0000	CUST 00000001	1438472	PART NONACCRL	
***** RATES *****					SIMPLE INT - FIXED RATE	

PAYOFF	15620.43				AUTO DR	N
ORIG LOAN AMT	30449.00	CURR RATE	6.4500000		PROD TYPE	ALSI
ORIG PROCEEDS	26350.00	ORIG RATE	6.4500000		PRIM OFFICER	703
LT CHG DUE	445.39	PER DIEM	2.6724059		GL KEY 01001A02	0073 86
FEES DUE	0.00	***** DATES *****			CALL CODE	06B0
CURRENT PRIN	15164.35	CONTRACT DATE	04/28/18		***** REPAYMENTS *****	
CURRENT INT	10.69	CURR MATURITY	12/05/25		CURR TERM	91
SCH PYMT AMT	452.00	CLOSED DATE			PYMTS MADE	52
CUR PYMT AMT	452.00	SCHED DUE DATE	02/05/24		PYMTS REM	32
PAST DUE AMT	3955.00	OLDEST DUE DATE	05/05/23		MONTHS EXTD	7 REN 000
PARTIAL PAID	135.60	LAST MAINT DT	03/23/23		YTD INT COL	258.81
*****		LST BAL CHG DT	02/01/24		INT COL PRV	916.99

LAURA M SERRANO-SANTANA

VILLA CARIBE

220 VIA CAMPINA

CAGUAS

PH () (787) 362-3766

PF1-NEXT STAT PF2-PREV STAT PF3-ADDL INFO

TSTSXCT1 TS0110 F: AMAI NO AOR OCCURRENCE FOR APPL 41

AST

***** CREDIT HIST *****					
015	016	030	060	090	000
006	029	006	001	010	000

CUR

CTL2 001 CTL3 000 CTL4 0000 ACCT7007 MARRERO, CARL

START DATE 12/22/22

OPT: A=ACCRUED SINCE LAST TRAN, C=CAPTURE, R=REVERSAL, S=SPECIFIC, H=SPLIT HIST

D=DISPUTED ITEM STATUS CHG

OPT	EFF DATE	TRAN DESCRIPTION	TRAN AMOUNT	POST BALANCE
	12/22/22	8080 PAY BY PHONE	624.00	20,021.22
	01/26/23	8080 PAY BY PHONE	624.00	19,569.05
	02/22/23	8080 PAY BY PHONE	624.00	19,074.60
	03/27/23	8080 PAY BY PHONE	624.00	18,604.95
	04/26/23	8080 PAY BY PHONE	624.00	18,117.81
	05/25/23	8080 PAY BY PHONE	624.00	17,622.65
	06/26/23	8080 PAY BY PHONE	624.00	17,136.93
	07/26/23	8080 PAY BY PHONE	624.00	16,638.99
	08/25/23	8080 PAY BY PHONE	624.00	16,137.39
	09/25/23	8080 PAY BY PHONE	624.00	15,636.05
	10/26/23	8080 PAY BY PHONE	624.00	15,130.91
	11/22/23	8080 PAY BY PHONE	624.00	14,607.08
	12/26/23	8080 PAY BY PHONE	624.00	14,104.86
	01/25/24	8080 PAY BY PHONE	624.00	13,584.39

PF2-NEXT PAGE PF3-PREV PAGE PF6-SELECT

AMPCPSDR AM1047 F: ACCOUNT NOT FOUNDLAST



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-2704
Birth Date: Feb-XX-1971
Last Name: SERRANO SANTANA
First Name: LAURA
Middle Name: MARGARITA
Status As Of: Feb-05-2024
Certificate ID: WY8S2XYBZT5L3QB

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Sam Yousefzadeh

Sam Yousefzadeh, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Alexandria, VA 22350

Hachmut B